

28.07.2025
Sl. No. 12
Ct No. 3
SG

WPA 24282 of 2024

**Shikha Das
Vs
The State of West Bengal & Ors.**

Mr. Partha Sarkar.

... for the petitioner

Mr. Subrata Banerjee.

...for the State

Ms. Atreya Chakraborty.

...for the Municipality

1. Affidavit-of-service filed in Court today is taken on record.
2. By way of the present writ petition, the petitioner is seeking a direction upon respondent no. 2 to engage the petitioner in the post of Sahayika at Adarshapally Sishu Siksha Kendra or in any other adjacent ward wherever the vacancy is available.
3. It is the case of the petitioner that she was appointed in the post of Sishu Siksha Sahayika at Adarshapally Sishu Siksha Kendra in the year 2010 on contractual basis and she had been discharging her duties in the said post till 2014. Thereafter, all of a sudden the remuneration has been stopped on and from 2015 and she came to know that the Director of Local Bodies, Government of West Bengal, informed the Chairmen of all the Municipalities including Old

Malda Municipality that since 2014/2015 the renewal of agreement/ service of Sahayika cannot be approved/renewed who are underaged. Accordingly, the Municipal Authority did not allow the Petitioner to continue in the said post after 2014.

4. Learned Counsel for the petitioner submits that the petitioner is presently 40 years of age and fully satisfies all the eligibility criteria prescribed for the post of *Sishu Siksha Sahayika*, as per the guidelines issued by the Special Secretary, Municipal Affairs Department, dated 30th May, 2000. It is further submitted that the respondent municipality has issued a notification advertising ten vacant posts of *Sahayika*, which are to be filled by eligible candidates.

5. The petitioner contends that similarly situated individuals, under comparable circumstances, falling within the jurisdictions of Durgapur Municipal Corporation, Asansol Municipal Corporation, and Old Malda Municipality, had approached this Court by way of writ petitions on an identical issue. Pursuant to the directions of this Court, the concerned authorities were directed to reconsider their cases afresh, and upon such reconsideration, those individuals were duly re-engaged. Accordingly, the petitioner seeks parity in treatment and submits that the respondents ought to consider her case in the

same light, particularly in view of the fact that she has now attained the requisite age and meets all other eligibility conditions.

6. The petitioner further contends that in a series of similar matters, including *W.P. 23745(W) of 2017*, *W.P. 11123(W) of 2019*, *W.P.A. 5714 of 2022*, *W.P.A. 20127 of 2022*, *W.P.A. 28275 of 2023*, and *W.P.A. 15467 of 2024*, this Court was pleased to direct the concerned authorities to consider the cases of the petitioners therein for re-engagement afresh, in accordance with law. The petitioner, therefore, seeks parity in treatment and submits that her case is squarely covered by the principles laid down in the aforementioned writ petitions.

7. In view of the above, the petitioner prays for a similar direction for her re-engagement to the post of *Sahayika*, in terms of the guidelines dated 30th May, 2000, as she is now fully eligible for such appointment. The petitioner had earlier submitted a representation dated 11.09.2024 before the respondent authorities, seeking re-engagement. However, despite the lapse of a considerable period, no steps have been taken on the said representation till date.

8. Learned counsel for the respondent corporation submits that the authorities are ready and willing to

consider the petitioner's representation in a time bound manner.

9. This court observes that various orders have been passed by the different Co-ordinate Benches of this court directing the relevant authority to consider cases of re-engagement in the post of Sahayika.

10. In light of the submissions made and without expressing any opinion on the merits of the claim, this court directs the Director of Local Bodies to consider the re-engagement of the petitioner strictly in accordance with law, in light of the observations recorded herein and particularly with reference to clause 7 (ka) of the guidelines dated 30th May, 2000, within one month from the date of communication of this order and communicate the decision to the petitioner within one week thereafter.

11. Needless to mention that this court has not gone into the merits of case of the petitioner.

12. With the above direction, the present writ petition is disposed of.

13. Since no affidavit is called for, allegations made in the writ petition are deemed to have been denied.

(Gaurang Kanth, J.)